

Remarks

Claims 1, 2 and 5-11 are under examination at this time and stand rejected. Claims 3, 4 and 12-14 are indicated to be withdrawn. Applicants note that the objection to claim 5 is withdrawn.

The rejection of claim 8 as indefinite is withdrawn, however claim 5 is rejected as indefinite for recitation of language without sufficient antecedent basis. Applicants have amended claim 5 to delete the word "pp65," which is not recited in the present claim 1. Applicants submit that the rejection is overcome and request its withdrawal.

The rejection of claims as anticipated by Khanna and the rejection of claims 7 and 8 as obvious over Khanna are withdrawn in view of Khanna's status as not available under 35 U.S.C. § 102 as prior art.

Claims 1, 2, 5, 6 and 9-11, however, are newly rejected as obvious over "the Australian Patent No. PR5931 (26 June 2001)" in view of two secondary references, Livingston and Krieg. Applicants traverse this rejection as improper, because the Australian reference is not prior art to this application. Australian document PR5931 is not a patent but an Australian provisional patent application. It was filed June 26, 2001, however under Australian law, such provisional applications are not patents and are not made publicly available until the publication of the corresponding complete Australian (non-provisional) or PCT application. In this case, the complete application is PCT/AU02/00829, which was filed June 26, 2002, claiming priority from the provisional PR5931. Thus, PR5931 was

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not published until the publication date of the PCT application, January 3, 2003.

The publication date of the cited Australian provisional application therefore is after the effective filing date of this application and this reference does not qualify as prior art under the patent statute. Applicants submit that any rejection over this reference is not proper and should be withdrawn.

Applicants request reconsideration and allowance of the application at this time. If any issues remain, the examiner is invited to telephone the undersigned.

RESPECTFULLY SUBMITTED,					
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